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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

POWER INTEGRATIONS, INC., a  
Delaware corporation,

Plaintiff,

v.

FAIRCHILD SEMICONDUCTOR  
INTERNATIONAL, INC., a Delaware  
Corporation, FAIRCHILD  
SEMICONDUCTOR CORPORATION, a  
Delaware Corporation, and SYSTEM  
GENERAL CORPORATION, a Taiwanese  
corporation,

Defendants.

Case No. C 09-5235 JW

ELECTRONIC CASE FILING

**[CORRECTED] STIPULATION  
REQUESTING CONFIDENTIAL  
DOCUMENTS FROM INTERNATIONAL  
TRADE COMMISSION INVESTIGATION  
NO. 337-TA-541, IN RE CERTAIN POWER  
SUPPLY CONTROLLERS AND PRODUCTS  
CONTAINING SAME**

Date: N/A  
Time: N/A  
Location: Courtroom 15, 8th Floor  
Before: Hon. Judge James Ware

1           The parties submit this corrected stipulation to correct typographical errors in the list  
 2 contained in paragraph 15, *infra*, of the Stipulation Requesting Confidential Documents From  
 3 International Trade Commission Investigation No. 337-TA-541, In Re Certain Power Supply  
 4 Controllers and Products Containing Same, which was filed on July 8, 2011 (Dkt. 124), to  
 5 accurately reflect the list the parties intended to submit, which is correctly reflected in the  
 6 resulting Court Order (Dkt. 127). No new Order is requested.

7           IT IS HEREBY STIPULATED AND AGREED, by and among Plaintiff Power  
 8 Integrations, Inc. (“Power Integrations”) and Defendants Fairchild Semiconductor International,  
 9 Inc., Fairchild Semiconductor Corporation, and System General Corporation (collectively,  
 10 “Fairchild”), by and through their undersigned counsel, pursuant to 19 C.F.R. § 210.5(c) and 28  
 11 U.S.C. § 1659(b), to seek the Court’s permission to request confidential documents (the  
 12 “Confidential Documents”) from the International Trade Commission from a prior investigation  
 13 that involved both plaintiff and defendants in this matter. The parties jointly state as follows:

14           1.       On June 8, 2005, the U.S. International Trade Commission (the “Commission”)  
 15 instituted Investigation No. 337-TA-541, in which Defendant System General was the respondent  
 16 and Plaintiff Power Integrations, Inc. was the complainant (the “ITC case”).

17           2.       On May 15, 2006, the Administrative Law Judge Paul J. Luckern issued Final  
 18 Initial and Recommended Determinations in the parties’ ITC case.

19           3.       The ITC case is now closed.

20           4.       Section 18 of the Protective Order in the parties’ ITC case states:

21           18. Upon final termination of this investigation, each party that is subject to this  
 22 order shall destroy or return to the supplier all items containing confidential  
 23 business information submitted in accordance with paragraph 2 above, including  
 24 all copies of such matter which may have been made, but not including copies  
 25 containing notes or other attorney’s work product that may have been placed  
 26 thereon by counsel for the receiving party. All copies containing such notes or  
 27 other attorney’s work product shall be destroyed. Receipt of material returned to  
 28 the supplier shall be acknowledged in writing. This paragraph shall not apply to  
 the Commission, including its investigative attorney, and the administrative law  
 judge, which shall retain such material pursuant to statutory requirements and for  
 other recordkeeping purposes, but may destroy those additional copies in its  
 possession which are regarded as surplusage.

1       5. A copy of the Protective Order from the parties' ITC case, dated June 9, 2005, was  
2 attached as Exhibit 2 to the Declaration of Jeremy T. Elman filed July 8, 2011 ("Elman Decl.").  
3

4       6. It is our understanding that all parties to the ITC case have destroyed their copies  
5 of the Confidential Documents as required by the Protective Order.  
6

7       7. However, based on the language of Section 18 of the Protective Order, the  
8 Commission is believed to have retained the Confidential Documents.  
9

10     8. 19 C.F.R. § 210.5(c), entitled "Confidential business information", states as  
11 follows:  
12

13     *Transmission of certain records to district court.* Notwithstanding paragraph (b)  
14 of this section, confidential business information may be transmitted to a district  
15 court and be admissible in a civil action, subject to such protective order as the  
16 district court determines necessary, pursuant to 28 U.S.C. 1659.  
17

18     9. 28 U.S.C. § 1659(b), entitled "Use of Commission Record," states as follows:  
19 Notwithstanding section 337(n)(1) of the Tariff Act of 1930, after dissolution of a  
20 stay under subsection (a), the record of the proceeding before the United States  
21 International Trade Commission shall be transmitted to the district court and shall  
22 be admissible in the civil action, subject to such protective order as the district  
23 court determines necessary, to the extent permitted under the Federal Rules of  
24 Evidence and the Federal Rules of Civil Procedure.  
25

26     10. The parties have agreed to seek the Confidential Documents that have been  
27 retained by the Commission in the above-referenced investigation, pursuant to Section 210.5(c)  
28 and Section 1659(b).  
29

30     11. The parties have agreed that, if allowed, the Confidential Documents transmitted  
31 to this Court will be subject to the Protective Order in this action. A copy of the Protective Order  
32 in this action was attached as Exhibit 1 to the Elman Decl. *See* Dkt. 122.  
33

34     12. Once the above-referenced Confidential Documents are received by this Court, the  
35 parties will collect the Confidential Documents, make two sets of the Confidential Documents,  
36 and return the Confidential Documents to the Court within ten (10) business days.  
37

38     13. The Court will retain the Confidential Documents throughout the pendency of this  
39 action, and return the documents to the International Trade Commission upon termination or  
40 conclusion of this action.  
41

1           14. If the Court ratifies this stipulation, the parties will submit a letter to the  
2 Commission seeking the below information pursuant to the Protective Order in this action. A  
3 draft of the letter to be sent to the Commission was attached as Exhibit 3 to the Elman Decl.

4           15. The specific confidential business information that the parties seek is as follows:

5           a. An unredacted copy of the Final Initial and Recommended Determinations dated  
6 May 15, 2006;

7           b. Unredacted copies of all ITC Trial Exhibits and Demonstratives discussed or  
8 admitted during trial in the parties' ITC case (including, but not limited to, to those with CDX-,  
9 CPX-, CX-, JX-, RDX-, RPX-, RRX-, RX-, SDX-, and/or SX- prefixes);

10          c. Unredacted copies of all ITC Trial Transcripts from any "CONFIDENTIAL  
11 SESSION" during the parties' ITC case, including pages 196-198, 435-440, 465-491, 510-551,  
12 643-648, 681-692, 743-796, 1083-1088, 1216-1297, 1530-1531, and 1547-1561 of the ITC Trial  
13 Transcript and pages 60-88 of the parties' closing arguments;

14          d. Unredacted copies of all confidential ITC Orders and Opinions, including ITC  
15 Order No. 10, ITC Order No. 11, ITC Order No. 12, ITC Order No. 13, 2006-01-13 ITC Order  
16 No. 15, and ITC Order No. 17;

17          e. Unredacted copies of all confidential briefing and motions;

18          f. Unredacted copies of all confidential correspondence;

19          g. Unredacted copies of all confidential deposition transcripts and exhibits;

20          h. Unredacted copies of all confidential pleadings;

21          i. Unredacted copies of all confidential expert reports.

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4  
5 Dated: August 15, 2011

FISH & RICHARDSON P.C.

6  
7 By: /s/ Michael R. Headley  
8 Attorneys for Plaintiff

9 POWER INTEGRATIONS, INC.  
10  
11 Dated: August 15, 2011

MCDERMOTT, WILL & EMERY LLP

12 By: /s/ Jeremy T. Elman  
13 Attorneys for Defendants FAIRCHILD  
14 SEMICONDUCTOR INTERNATIONAL,  
15 INC., FAIRCHILD SEMICONDUCTOR  
16 CORPORATION, and SYSTEM GENERAL  
17 CORPORATION

**CERTIFICATION PURSUANT TO GENERAL ORDER 45**

18 Pursuant to General Order 45, I, Jeremy T. Elman, attest that the above signatories  
19 for the Plaintiff have concurred and consented to the filing of this document.

20 DATED: August 15, 2011

/s/ Jeremy T. Elman

JEREMY T. ELMAN

1 CERTIFICATE OF SERVICE  
2

3 I hereby certify that on this date I electronically filed the Corrected Stipulation Requesting  
4 Confidential Documents From International Trade Commission Investigation No. 337-TA-541, In  
5 Re Certain Power Supply Controllers and Products Containing Same using the electronic case  
6 filing system of the Court. The electronic case filing system sent a "Notice of Electronic Filing"  
7 to the attorneys of record who have consented in writing to accept this Notice as service of this  
8 document by electronic means

9 Dated: August 15, 2011

/s/ Linda Rohrer  
10 LINDA ROHRER

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